

## HUMAN SERVICES DEPARTMENT[441]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services amends Chapter 58, "Emergency Assistance," Iowa Administrative Code.

These amendments implement the Iowans Helping Iowans Unmet Needs Disaster Assistance Program for the counties which were presidentially declared as disaster areas after June 1, 2010. Funding for the program is established by the Governor of Iowa through the Iowans Helping Iowans Program. The Rebuild Iowa Office will establish a methodology to distribute the funding among the counties in the presidentially declared disaster areas. The program will end when funds are exhausted or on June 30, 2011, whichever occurs first.

The program will be administered through a local administrative entity designated by the county board of supervisors in each of the affected counties. The local administrative entity shall enter into a contract with the Department that delineates the entity's responsibilities for the administration of the program. The local administrative entity will receive applications from households and determine each household's eligibility for the program.

The local administrative entity shall disburse the funds allocated to the county by the Rebuild Iowa Office through direct reimbursement of documented expenses or issuance of vouchers for purchase of approved goods or services. The local administrative entity may keep up to 5 percent of the amount of benefits issued as administrative expense. The local administrative entity is required to submit weekly reports on program expenditures and to return any unused funds from its allocation when the program ends.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments September 15, 2010.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are contrary to the public interest because the state has experienced recent disasters that have created an immediate need for this assistance.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments confer a benefit upon the disaster victims affected. Therefore, the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 9131B** to allow for public comment.

These amendments are intended to implement Iowa Code section 234.6.

These amendments became effective on September 15, 2010.

The following amendments are adopted.

ITEM 1. Rescind **441—Chapter 58**, Division IV title and preamble, and adopt a new Division IV title and preamble as follows:

#### DIVISION IV IOWANS HELPING IOWANS UNMET NEEDS DISASTER ASSISTANCE PROGRAM

#### PREAMBLE

This division implements a program of state assistance to address unmet disaster-related expenses that cannot be met by other financial assistance. The program provides assistance for repair or replacement of personal property, home repair, food assistance, child care, and temporary housing to households whose income is less than 300 percent of the federal poverty level. The amount of assistance available to a household is capped at \$2,500.

The program is administered by the department of human services in coordination with the rebuild Iowa office and local administrative entities designated by the county boards of supervisors.

ITEM 2. Rescind rules 441—58.51(83GA,HF64) to 441—58.58(83GA,HF64) and adopt the following **new** rules in lieu thereof:

**441—58.51(234) Definitions.**

*“Department”* means the Iowa department of human services.

*“Household”* means all adults and children who lived in the pre-disaster residence who request individual assistance (not including landlords or other businesses), as well as any persons, such as infants, spouses, or part-time residents, who were not present at the time of the disaster but who are expected to return during the assistance period.

*“Local administrative entity”* means a county-appointed fiscal entity that performs direct work with households seeking assistance for unmet needs. The local administrative entity certifies the assistance that each household may receive and issues direct reimbursement or purchase vouchers for certified goods or services.

*“Unmet need”* means an item or service needed to overcome a disaster-related hardship, injury, or adverse condition due to an eligible federally declared disaster resulting in costs or damages related to personal property, home repair, food assistance, child care, or temporary housing for which the household has not received adequate assistance from any federal, state, nonprofit, or faith-based agency.

**441—58.52(234) Program implementation.** The Iowans helping Iowans unmet needs disaster assistance program shall be in effect September 15, 2010. This program is available for households affected by natural disasters occurring after June 1, 2010, in areas that the President of the United States declared a disaster area for individual assistance.

**58.52(1) Funding.** Funding for the program is established by the governor of Iowa through the Iowans helping Iowans program. The rebuild Iowa office will establish a methodology to distribute the funding among the counties in presidentially declared disaster areas.

**58.52(2) Local administration.** To implement the program, the county board of supervisors shall appoint a local administrative entity to administer the program for that county.

a. The local administrative entity may be, but is not limited to:

- (1) A local community organization active in disaster (COAD),
- (2) A local long-term recovery committee (LTRC),
- (3) A nonprofit organization,
- (4) A faith-based organization, or
- (5) A regional or statewide LTRC.

b. The appointed local administrative entity shall enter into a contract with the department on Form FA 08-30-2010, Fiscal Agent Contract. The contract shall specify the terms for the administration of unmet needs benefits.

**441—58.53(234) Application for assistance.** To request financial assistance for unmet disaster needs expenses, the household shall complete Form 470-4689, Iowans Helping Iowans Unmet Needs Disaster Assistance Program, and submit the form to the local administrative entity.

**58.53(1)** Application forms are available from the local administrative entity. Individuals can find their local administrative entity by calling the rebuild Iowa office toll-free at (866)849-0323.

**58.53(2)** The application shall include:

- a. A declaration of the household’s annual gross income.
- b. A release of confidential information to personnel involved in administering the program.
- c. An assurance that the household had no insurance coverage for claimed items or services.
- d. A commitment to refund any part of a grant awarded that is duplicated by insurance or by any other assistance program, such as but not limited to other state assistance, local community development groups, charities or faith-based agencies, the Small Business Administration, or the Federal Emergency Management Administration.
- e. A copy of a photo identification document for each adult applicant.

*f.* When vehicle damage is claimed, current copies of the vehicle registration and liability insurance card.

**441—58.54(234) Eligibility criteria.** To be eligible for assistance, an applicant household must meet all of the following conditions:

**58.54(1)** The household's residence was located in the disaster area identified by a presidential declaration as described in rule 441—58.52(234), and the household verifies occupancy at that residence.

**58.54(2)** Household members are citizens of the United States or are legally residing in the United States.

**58.54(3)** The household's self-declared annual income is at or less than 300 percent of the federal poverty level for a household of that size.

*a.* Poverty level guidelines are updated annually.

*b.* All income available to the household is counted, including wages, child support, interest from investments or bank accounts, social security benefits, and retirement income.

**58.54(4)** The household has disaster-related expenses not covered by insurance, or the claim is less than or equal to the deductible amount. This program will not reimburse the amount of the insurance deductible when the claim exceeds the deductible amount.

**58.54(5)** The household has not previously received assistance from this program or another program, such as but not limited to other state assistance, local community development groups, charities or faith-based agencies, the Small Business Administration, or the Federal Emergency Management Administration, for the same loss. The applicant has applied with the Small Business Administration and the Federal Emergency Management Administration but did not receive an award for the items or services included in the unmet needs application.

**441—58.55(234) Eligible categories of assistance.** The maximum assistance available to a household for a single disaster is \$2,500. Assistance is available under the program for the following disaster-related expenses:

1. Personal property.
2. Home repair.
3. Food assistance.
4. Child care.
5. Temporary housing.

**441—58.56(234) Eligibility determination and payment.**

**58.56(1) Duties of local administrative entity.** The local administrative entity shall perform the following duties:

*a.* Accept the household's application.

*b.* Certify that:

(1) The address provided on the application is a valid address in the disaster-affected area,

(2) Disaster-related expenses were a result of the covered disaster,

(3) The household has presented reasonable documentation or receipts for expenses incurred or has reasonable estimates for eligible costs for issuance of a voucher to secure specific eligible goods or services, and

(4) Funds remain available.

*c.* Determine the amount of assistance the household is eligible to receive by category of assistance and provide the rationale for that amount.

*d.* Provide the signature of local administrative entity staff making the certification and the date of certification.

*e.* Notify the applicant household of the certification decision and issue to an approved household:

(1) Reimbursement for documented expenses, or

(2) A voucher to secure specific eligible goods or services.

*f.* Retain a copy of the household's Form 470-4689, Iowans Helping Iowans Unmet Needs Disaster Assistance Program, and all documentation.

*g.* Report weekly to the rebuild Iowa office regarding expenditures. Weekly reports shall be in the format prescribed in the agreement.

*h.* Complete a final reconciliation to substantiate expenditures.

*i.* Return any unexpended funds to the department within 30 days of the final expenditure or June 30, 2011.

**58.56(2) *Local administrative expenses.*** A local administrative entity may allocate no more than 5 percent of the amount of assistance provided to households as an administrative expense. Administrative expenses shall be detailed on the weekly report of expenditures.

**58.56(3) *Duties of disaster case management office.*** Designated staff in the rebuild Iowa disaster case management office shall:

*a.* Ensure that a local administrative entity is designated in each county affected.

*b.* Coordinate contact between applicants and their local administrative entity.

*c.* Support the reconsideration process.

**58.56(4) *Duties of the department.*** Designated department staff shall:

*a.* Process grant payments to the local administrative entity or its designee.

*b.* Process appeals.

#### **441—58.57(234) Contested cases.**

**58.57(1) *Reconsideration.*** The household may request reconsideration of the local administrative entity's decision regarding certification of eligible unmet needs and the amount of reimbursement awarded.

*a.* To request reconsideration, the household shall submit a written request to the Rebuild Iowa Office, Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa 50319, within 15 days of the date of the local administrative entity's notification to the household of its decision.

*b.* The rebuild Iowa disaster recovery case management office shall:

(1) Review any additional evidence or documentation submitted,

(2) Issue a reconsideration decision within 15 days of receipt of the request, and

(3) Notify the household of the reconsideration decision.

**58.57(2) *Appeal.*** The household may appeal the rebuild Iowa office reconsideration decision according to procedures in 441—Chapter 7.

*a.* Appeals must be submitted:

(1) In writing, either on Form 470-0487 or 470-0487(S), Appeal and Request for Hearing, or in any form that provides comparable information;

(2) To the DHS Appeals Section, 1305 East Walnut Street, Des Moines, Iowa 50319-0114;

(3) Within 15 days of the date of the reconsideration decision.

*b.* A written appeal is filed on the date the envelope sent to the department is postmarked or, when the postmarked envelope is not available, on the date the appeal is stamped received by the department.

**441—58.58(234) Discontinuance of program.** The Iowans helping Iowans unmet needs disaster assistance program administered under this division shall be discontinued upon exhaustion of allocated funds or on June 30, 2011, whichever occurs first.

These rules are intended to implement Iowa Code section 234.6.

[Filed Emergency 9/15/10, effective 9/15/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/10.